

## Exhibit H

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

\_\_\_\_\_  
Al-RAJHI BANKING & INVESTMENT )  
CORPORATION, )  
Al-Aqaria Building 3 )  
Olaya Road, Riyadh )  
Saudi Arabia )

Petitioner, )

v. )

ERIC H. HOLDER, JR., )  
in his official capacity as Attorney General of )  
the United States, )  
950 Pennsylvania Avenue, NW, Room B-103 )  
Washington, DC 20530-0001 )

Misc. Action No.

TIMOTHY F. GEITHNER, )  
in his official capacity as Secretary of the )  
Treasury, )  
1500 Pennsylvania Avenue, NW )  
Washington, DC 20220 )

DECLARATION OF  
KHALID A. AL-THEBITY

KENT S. ROBINSON, )  
in his official capacity as Acting United )  
States Attorney for the District of Oregon, )  
1000 SW Third Avenue, Suite 600 )  
Portland, Oregon 97204 )

and )

COLLEEN ANDERSON, )  
in her official capacity as Special Agent for )  
the Internal Revenue Service, )  
960 Ellendale, Suite A )  
Medford, Oregon 97504 )

\_\_\_\_\_  
Respondents. )

I, KHALID A. AL-THEBITY, hereby declare and state as follows:

1. I am a partner in the Riyadh office of the law firm of Dewey & LeBoeuf LLP, attorneys for Petitioner Al Rajhi Banking & Investment Corporation (the “Bank”) in the above-captioned action. I have personal knowledge of the matters stated below. If called as a witness, I could and would testify competently thereto. I also submit this Declaration for the purpose of putting before the Court certain documents in support of Petitioner’s Motion to Quash USA PATRIOT Act Subpoena.

2. A large portion of the Bank’s stock is held by the Al Rajhi family.

3. The Bank has limited international operations: it began to operate in Malaysia in 2006, and maintains a small number of branches in that country. The Bank does not have any of its own branches in the United States.

4. The Bank is the holder of four correspondent accounts with United States banks. The Bank’s correspondent accounts are held at with the following banks: (1) JP Morgan Chase Bank NA; (2) Wachovia Bank NA; (3) Standard Chartered Bank, New York; and (4) a correspondent account used by the Bank’s international brokerage at Deutsche Bank.

5. I have analyzed current Saudi Arabian law regarding Saudi banks’ disclosures of customer records to foreign authorities, as implicated in the Patriot Act Subpoena (the “Subpoena”) issued on the Bank. Based on my review, it is my understanding that Saudi law prohibits the Bank from complying with the requests for documents in the Subpoena.

6. Saudi Arabian Monetary Agency (“SAMA”) Circular Number. 16323/BC/319, dated September 7, 1985, instructs Saudi banks to “comply with the common rule of not disclosing any information except through SAMA and to reject any request for information.”

7. SAMA Circular Number 100/BC/63, dated 24/3/1413 H, instructs banks to advise a “government agency that asks for information about client balances and banking activities to address its request to the Ministry of Finance and National Economy or to SAMA.”

8. Section 2.6.3 of the Rules Governing Anti-Money Laundering & Combating Terrorist Financing (Second Update, December 2008) provides that: “any sharing of information with a foreign party whether with another bank (affiliation, branch, correspondent) or a foreign governmental authority should not be done without the prior approval of and in coordination with SAMA.” Article 23(2) of the Saudi Banking Control Law stipulates that “[w]hoever violates the provisions of Article (19) shall be punished with the imprisonment for a period not more than two years or with a fine not exceeding ten thousand Saudi Riyals or with one of the two penalties.”

9. Attached as Exhibit A is a true and correct copy of SAMA Circular No. 16323/BC/319, dated September 7, 1985.

10. Attached as Exhibit B is a true and correct copy of SAMA Circular Number 100/BC/63, dated 24/3/1413 H.

11. Attached as Exhibit C is a true and correct copy of excerpts from Section 2.6.3 of the Rules Governing Anti-Money Laundering & Combating Terrorist Financing (Second Update, December 2008), promulgated by the Banking Inspection Department of SAMA.

12. Attached as Exhibit D are true and correct copies of Article 19 and Article 23(2) of the Saudi Banking Control Law.

13. Attached as Exhibit E is a true and correct copy of the Bank’s letter to SAMA dated September 1, 2009, requesting instruction on how it might comply with the Subpoena.

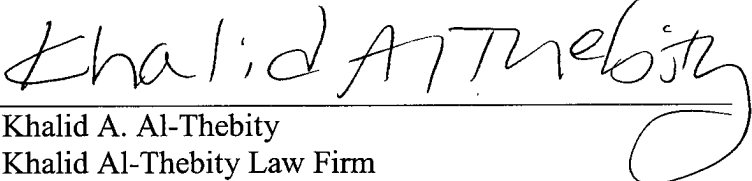
14. Attached as exhibit F is a certified English translation the Bank's letter to SAMA (Exhibit E) dated September 10, 2009, requesting instruction on how it might comply with the Subpoena.

15. Attached as Exhibit G is a true and correct copy of SAMA's letter to The Bank dated September, 2009, informing the Bank that it may not comply with the Subpoena.

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Dated: 10/21/09

Respectfully submitted,



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